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Attorney for Plaintiff and Counter-Defendant
Gregory Bender

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Gregory Bender,

Plaintiff and Counter-Defendant,

v.

Motorola, Inc.,

Defendant. and Counter-Claimant.

CASE NO. C 09-01245 SBA (LB)
STIPULATION OF DISMISSAL OF
ACTION, WITH PREJUDICE; AND
[PROPOSED] ORDER

Plaintiff and Counter-Defendant Gregory Bender and Defendant and Counter-Claimant Motorola, Inc. hereby inform the Court that they have reached definitive agreement on the terms of dismissal, with prejudice, of all claims and counterclaims of the parties in this action and hereby submit this Stipulation of Dismissal of Action, With Prejudice; and [Proposed] Order.

Pursuant to Rule 41(a)(2) and (c) of the Federal Rules of Civil Procedure, the parties hereto hereby stipulate to dismiss, WITH PREJUDICE, all claims and counterclaims of the parties in this action, with each party to bear his/its own costs, expenses, and attorney's fees.

SO STIPULATED.

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1 Dated: December 30, 2010

Respectfully submitted,

2 Jones Day

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4 By: /s/ Greg L. Lippetz

5 Greg L. Lippetz

6 State Bar No. 154228

JONES DAY

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10 Counsel for Defendant Motorola, Inc.

11 In accordance with General Order No. 45, Section X(B), the signatory below attests that
12 concurrence in the filing of this document has been obtained from the signatory above.
13

14 Dated: December 30, 2010

By: /s/ David N. Kuhn

15 David N. Kuhn

16 Attorney-at-Law

144 Hagar Avenue

17 Piedmont, California 94611

Telephone: (510) 653-4983

18 Counsel for Plaintiff Gregory Bender

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**
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21
22 DATED: _____, 201__

By: THE HON. SAUNDRA B. ARMSTRONG
23 United States District Court Judge
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